

### **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The drawings have been objected to. Labels have been added to the boxes and box 2 in Fig. 1 has been labeled as a Filter Unit or Ramp Generator, as recited in claims 5 and 22. The amended drawings obviate the objection.

The Examiner has noted that essential material cannot be incorporated by reference to anything other than a U.S. patent. The reference on page 5 to a PCT publication has been changed to the corresponding U.S. Patent.

Claim 23 has been rejected as being indefinite. The amended claim overcomes the rejection.

Claims 1-23 have been rejected as being anticipated by Killion. Killion does not teach a fixed adjustment of transfer function parameters as recited in claim 1. Killion controls a fader to transfer a signal from one input microphone to another input microphone. Control of the fader is a "function" of the ambient noise level. See, col. 8, lines 39-49 of Killion. Because the ambient noise level can change during the transfer, the fader control must change because it is a function of the noise level. Therefore, the adjustment is not fixed. Therefore, the claims are patentable over Killion.

Referring to claim 20, Killion does not teach a filter unit that generates a smooth transition. Killion's transition is generated by ambient noise sensing. Dependent claims recite

further distinguishing limitations. For example, Killion does not teach a transition corresponding to a step response of a low-pass filter as recited in claims 3 and 4. Rather, Killion's transition corresponds to ambient noise levels.

New claim 24 distinguishes over Killion because Killion does not change the parameters of the transfer function as recited in the claim. Killion changes from one microphone to another, each microphone having a different transfer function. Thus, Killion changes from one transfer function to another, but does not change parameters of any transfer function.

Claims 1-6, 13-18, 14/19, 15/19, 16/19, 17/19, 18/19, and 20-23 have been rejected as being obvious over Park in view of Traini. The references, even if combined, do not teach adjusting to a momentary acoustic surround situation. Park is cited for this teaching, but Park changes microphones based on the camera zoom, not based on any acoustic information. Therefore, the claims are patentable over Park and Traini.

All of the issues raised by the examiner have been resolved. Therefore, applicant respectfully requests reconsideration and withdrawal of the rejections.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/044,701  
Amdt. Dated August 18, 2004  
Reply to Office action of March 18, 2004

If there are any additional fees resulting from this communication, please charge same  
to our Deposit Account No. 16-0820, our Order No. 34152.

Respectfully submitted,  
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By: \_\_\_\_\_

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